

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

UNITED STATES OF AMERICA)	
)	
v.)	CR. NO. 3:06cr030-WHA
)	
BRIAN V. CLARK)	

MOTION FOR DOWNWARD DEPARTURE FOR
ACCEPTANCE OF RESPONSIBILITY

Comes now the United States of America, by and through Leura G. Canary, United States Attorney for the Middle District of Alabama, and respectfully moves this Court to reduce by one (1) level Defendant's offense level based on his acceptance of responsibility. As grounds for this motion, the United States avers as follows:

1. A grand jury sitting in the Middle District of Alabama returned an indictment against Defendant on January 20, 2006.
2. After being arrested, Defendant notified the United States of his intent to plead guilty sufficiently early to permit the government to avoid preparing for trial and to allocate its resources efficiently. Defendant pled guilty on October 17, 2006.
3. Therefore, pursuant to United States Sentencing Guidelines § 3E1.1(b), as amended, the United States makes this formal motion for a one-level reduction in Defendant's offense level for acceptance of responsibility such that the total reduction in offense level for his acceptance of responsibility shall be three (3) levels.

WHEREFORE, the United States respectfully requests that this motion be GRANTED.

Respectfully submitted this the 15th day of December, 2006.

LEURA G. CANARY
UNITED STATES ATTORNEY

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CERTIFICATE OF SERVICE

I hereby certify that on December 15, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to Malcolm Newman.

Respectfully submitted,

LEURA G. CANARY
UNITED STATES ATTORNEY

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